

REMARKS

In the foregoing amendments, claims 74 and 89 have been amended to clarify the claims. Claims 74-95 remain pending in the present application. Reconsideration and allowance of the pending claims, as amended, are respectfully requested.

I. Priority

The Office Action states that the provisional application, upon which the present application claims the benefit of an earlier filing date, allegedly fails to provide adequate support or enablement for one or more claims of the present application. Applicants are not addressing the validity of the statements or assertions made in the Office Action regarding priority at this time. However, it should not be presumed that Applicants agree with any statements or assertions made in the Office Action in this respect.

II. Claim Rejections under 35 U.S.C. §103

Claims 74-79 and 89-92 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Metz et al.* (U.S. Patent No. 5,666,293) in view of *Goode et al.* (U.S. Patent No. 6,166,730), *Dunn et al.* (U.S. Patent No. 5,721,829), and *Swix et al.* (U.S. Patent No. 6,609,253). In addition, claims 80-88 and 93-95 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Metz et al.* in view of *Goode et al.*, *Dunn et al.*, and *Swix et al.*, and further in view of *Casement et al.* (U.S. Patent No. 5,969,748). Applicants respectfully traverse these rejections on the grounds that the cited references, taken alone or in combination, fail to teach or suggest each and every feature of the claims, as discussed below.

A. Claims 74-88

Independent claim 74 is reproduced below:

74. A method comprising:

responsive to a digital home communication terminal (DHCT) experiencing a reboot condition, determining if at least one video-on-demand (VOD) rental has been purchased and has not expired;

responsive to determining that at least one VOD rental has been purchased and has not expired, determining whether a previously established VOD session for a first VOD presentation is still active;

responsive to determining that the previously established VOD session for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title;

responsive to determining that the at least one VOD rental has been purchased and has not expired and responsive to determining that the previously established VOD session for the first VOD presentation is no longer active, establishing another active VOD session for the first VOD presentation and providing the VOD current rental screen; and

responsive to determining that at least one VOD rental has not been purchased or that previously-purchased VOD rentals have expired, providing a list of selectable VOD titles.

In particular, claim 74, as amended, includes several actions (“determining”, “providing”, and “establishing”) that are “responsive to” certain conditions. Essentially, the method claim has a particular flow that is neither taught nor suggested by the combination of references.

For example, claim 74 recites *responsive to a digital home communication terminal (DHCT) experiencing a reboot condition, determining if at least one video-on-demand (VOD) rental has been purchased and has not expired*. The Office Action seems to suggest that *Metz et al.* discloses this feature. However, in contrast to the claim, *Metz et al.* appears to simply disclose rebooting the device to run a new operating system. Applicants contend that the cited references fail to teach or suggest *determining if at least one video-on-demand (VOD) rental has been purchased and has not expired* as a result of or *responsive to* a DHCT experiencing a reboot condition.

Furthermore, claim 74 includes *responsive to determining that at least one VOD rental has been purchased and has not expired, determining whether a previously established VOD session for a first VOD presentation is still active*. The Office Action suggests that *Goode et al.* determines if at least one VOD rental has been purchased and has not expired. Applicants respectfully disagree with this suggestion and assert that *Goode et al.* simply discloses a user’s

selection of an active program/saved movies screen, determining which sessions are open and removing any open sessions in use by another set top terminal. *Goode et al.*, however, fails to teach or suggest determining when at least one VOD rental has been purchased and has not expired. Even assuming, for the sake of argument, that *Goode et al.* discloses the aspect of determining if a VOD rental has been purchased and has not expired, it is clear that *Goode et al.* does not further perform any action ***responsive to determining that at least one VOD rental has been purchased and has not expired*** as claimed.

Claim 74 further includes ***responsive to determining that the previously established VOD session for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation***. The Office Action seems to suggest that *Goode et al.* discloses this feature. *Goode et al.*, however, appears to correspond to the description of FIGS. 8 and 11. These figures and descriptions thereof fail to include an action ***responsive to determining that the previously established VOD session for the first VOD presentation is still active*** as claimed. Instead, FIG. 8 appears to teach a session control manager (SCM) starting a count down timer when a movie starts and stopping the timing when the movie stops. The SCM also sends session information to a network management system (NMS). With respect to FIG. 11, a user apparently selects a screen and the SCM determines open sessions, removing specific open sessions that are in use by other STBs. However, *Goode et al.* is silent with respect to the claimed feature of providing a VOD current rental screen ***responsive to*** determining that the previously established VOD session is still active, as claimed in claim 74. The other cited references, individually or in combination, fail to overcome the deficiencies of *Goode et al.* in this respect.

For at least the reason that the cited references, taken alone or in combination, fail to teach or suggest every claim feature of claim 74, Applicants assert that this claim is allowable over the cited references. In addition, claims 75-88 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 74.

B. Claims 89-95

Independent claim 89 is reproduced below:

89. A digital home communication terminal (DHCT) comprising:
memory; and

program code stored in said memory, wherein, when the DHCT experiences a reboot condition, the program code is configured to enable the DHCT to:

- determine if at least one video-on-demand (VOD) rental has been purchased and has not expired,

- responsive to determining that at least one VOD rental has been purchased and has not expired, determine whether a previously established VOD session for a first VOD presentation is still active,

- responsive to determining that the previously established VOD session for the first VOD presentation is still active, provide a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title,

- responsive to determining that the at least one VOD rental has been purchased and has not expired and responsive to determining that the previously established VOD session for the first VOD presentation is no longer active, establish another active VOD session for the first VOD presentation and provide the VOD current rental screen, and

- responsive to determining that at least one VOD rental has not been purchased or that previously-purchased VOD rentals have expired, provide a list of selectable VOD titles.

In particular, claim 89 is directed to a digital home communication terminal (DHCT) having memory and program code. The program code is configured to enable the DHCT to perform several actions (“determine”, “provide”, and “establish”) that are “responsive to” certain conditions. Essentially, the program code includes a particular conditional flow that is neither taught nor suggested by the combination of references.

Claim 89 recites a DHCT having program code stored in memory, wherein, *when the DHCT experiences a reboot condition*, the program code is configured to enable the DHCT to *determine if at least one video-on-demand (VOD) rental has been purchased and has not expired*. The Office Action suggests that *Metz et al.* discloses this feature. However, in contrast to the claim, *Metz et al.* appears to simply disclose rebooting to run a new operating system.

Applicants contend that the cited references fail to teach or suggest a program code configured to enable the DHCT to **determine if at least one video-on-demand (VOD) rental has been purchased and has not expired** when the DHCT experiences a reboot condition.

Furthermore, claim 89 recites that **responsive to determining that at least one VOD rental has been purchased and has not expired**, the DHCT is enabled to **determine whether a previously established VOD session for a first VOD presentation is still active**. The Office Action seems to suggest that *Goode et al.* discloses determining if at least one current rental exists. Applicants respectfully assert that *Goode et al.* fails to teach or suggest making this determining when the DHCT experiences a reboot condition, as claimed. Instead, *Goode et al.* appears to simply disclose the user's selection of an active program/saved movies screen, determining which sessions are open, and removing any open sessions in use by another set top terminal. It is believed that the user's selection is not the same as a DHCT being enabled to **determine if at least one video-on-demand (VOD) rental has been purchased and has not expired**. Even assuming, for the sake of argument, that *Goode et al.* discloses the aspect of determining that at least one VOD rental has been purchased and has not expired, it is clear that *Goode et al.* does not further enable a DHCT to perform any action **responsive to** this determination.

Claim 89 further recites enabling the DHCT, **responsive to determining that the previously established VOD session for the first VOD presentation is still active, to provide a VOD current rental screen that includes a selectable option to view the first VOD presentation**. The Office Action seems to suggest that *Goode et al.* (particularly col. 15, line 42 through col. 16, line 26; col. 17, line 55 through col. 18, line 33) discloses this feature. These noted passages of *Goode et al.* appear to correspond to the description of FIGS. 8 and 11. These figures, and descriptions thereof, fail to include an action **responsive to determining that the previously established VOD session for the first VOD presentation is still active** as claimed. Instead, FIG. 8 appears to teach a session control manager (SCM) starting a count down timer when a movie starts and stopping the timing when the movie stops. The SCM also sends session information to a network management system (NMS). With respect to FIG. 11, a user apparently selects a screen and the SCM determines open sessions, removing specific open sessions that are in use by other STBs. However, *Goode et al.* is silent with respect to the claimed feature of providing a VOD current rental screen responsive to determining that the

previously established VOD session is still active, which is claimed in claim 89. The other cited references, individually or in combination, fail to overcome the deficiencies of *Goode et al.* in this respect.

For at least the reason that the cited references, taken alone or in combination, fail to teach or suggest every claim feature of claim 89, Applicants assert that this claim is allowable over the cited references. In addition, claims 90-95 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 89.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, the Examiner is respectfully requested to telephone the undersigned at (770) 933-9500.

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